

REMARKS

Amendments To The Specification

The Applicant hereby amends the claims to comply with the Examiner's requirements set forth in the Final Office Action dated February 22, 2007, as set out herebelow.

In the Final Office Action, the Examiner has indicated that the device of claim 1 merely requires a means to feed solid particles having effective immobilized bacteria coated thereon into the first fluidized bed, not the solid particles themselves. Based on such a finding, the Examiner has held that Bassi's system, which includes such a means to feed solid particles, is also deemed to satisfy the limitation recited in claim 1.

In order to address the foregoing objection, claim 1 has been amended to recite:

"solid particles having effective immobilized bacteria coated thereon" to specifically recite the bacteria immobilized on the particles as a structural limitation of the device of claim 1. This is supported for example on page 14, lines 4-6 on page 14.

The Examiner has also objected to claims 1-17 for failure to recite in claim 1 the limitations of the separator and clarifier which the Examiner views as essential structural elements of the present invention.

In order to overcome the foregoing objection, claim 1 has been amended to specifically recite a fluid-solid separator means and a clarifier means.

Dependent claims 15 and 18 have also been amended to reflect these amendments.

In addition to the above-noted amendments, claim 1 has also been amended to use clearer terminology by replacing the phrase "said second means connecting includes " with --said second connecting means includes....--.

It is respectfully submitted that all the amendments made herein are to more particularly and distinctly recite the invention. All the amendments are supported by the application as originally filed, and therefore no new matter has been added.

Patentability of the Claims Over the Cited References

On page 2 of the Final Office Action, the Examiner has rejected claims 1-20 on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-11 of U.S. Patent No. 6,716,344 (Bassi et al.). The rejection is based on the Examiner's position that the system recited in claims 1-20 of this application is structurally indistinguishable from that recited in claims over claims 1-11 of Bassi et al.

The Examiner is respectfully requested to reconsider and withdraw the nonstatutory obviousness-type double patenting rejection in view of the above-mentioned amendment to claim 1. Specifically, Applicant submits that the system of claim 1, which has been amended to positively recited the particles with the bacteria immobilized on the particles as a structural feature, is clearly distinct from that of Bassi et al.

The Examiner has rejected claims 1-20 under 35 U.S.C. § 102(e) as being anticipated by the reference United States Patent No. 6,716,344 issued to Bassi et al.

As described above, the Applicant has now amended claim 1 to more distinctly define the invention over Bassi et al. by reciting the particles having bacteria immobilized on the particles as a structural limitation.

It is respectfully submitted that nowhere in Bassi et al. is it taught or even suggested solid particles having effective immobilized bacterial coated thereon as a structural feature. The Bassi patent discloses ion exchange and/or adsorption, where some ionic species in the liquid are adsorbed onto the ion exchange particles. These particles are then transported to the second (or from the second to the first) fluidized bed where they are desorbed and no bacteria are used in the process. On the contrary, the bacteria are used in the present wastewater treatment system. Without the bacteria present, the apparatus would not exhibit any efficacy for wastewater treatment. As specifically recited in claim 1, as amended, the bacteria are immobilized onto the particles, thereby resulting in a significant increase in the system efficiency since the bacteria have excellent exposure to the waste water.

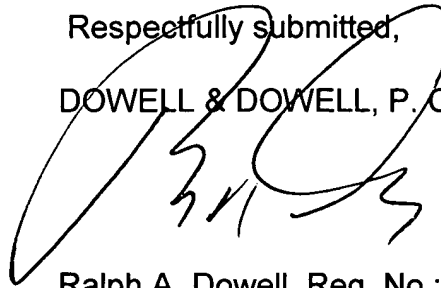
In view of the foregoing amendments and discussion, Applicant submits that the claims, as amended, are new and inventive over the cited prior art.

An earnest effort has been made to place this application in condition for allowance which action is respectfully solicited.

Should the Examiner have any questions regarding the allowability of the claims with respect to the art, it would be appreciated if the Examiner would contact the undersigned attorney-of-record at the telephone number shown below for further expediting the prosecution of the application.

Respectfully submitted,

DOWELL & DOWELL, P. C.

A large, stylized handwritten signature in black ink, appearing to read 'R. A. Dowell', is written over the text 'DOWELL & DOWELL, P. C.'.

Ralph A. Dowell, Reg. No.: 26,868

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